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In re Application of  
GRASSL, et al.  
Application No.: 09/926,447  
PCT No.: PCT/EP00/03988  
Int. Filing Date: 04 May 2000  
Priority Date: 07 May 1999  
Attorney Docket No.: GRAS3004/JEK  
For: METHOD FOR HANDLING THINNED  
CHIPS FOR INTRODUCING THEM  
INTO CHIP CARDS

DECISION ON RENEWED

REQUEST UNDER

37 CFR 1.42

This decision is in response to applicant's "New Submission Under 37 C.F.R. § 1.42 and Request For Reconsideration" filed 21 October 2002 in United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 28 June 2002, applicant was mailed a decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 21 October 2002, applicant filed the present renewed petition accompanied by a petition for a two-month extension of time and authorization to charge the \$400.00 extension fee to Deposit Account No.: 02-0200. With the filing of the petition for a two-month extension of time and payment of the extension fee the renewed petition is considered timely filed.

**DISCUSSION**

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

As detailed in the decision mailed 28 June 2002, applicant's original petition was dismissed as neither the declaration nor the transmittal letter declared that the individuals executing the declaration on behalf of the deceased inventor were all the heirs of the deceased. In

addition, the submitted declaration did not comply with 37 CFR 1.497 (a)-(b) in that it was unclear whether the declaration set forth the residence, post office address and country of citizenship of Yahya HAGHIRI-TEHRANI or the heirs as required under 37 CFR 1.497(b).

As to the current submission, counsel has avowed that the individuals listed in the declaration filed 18 March 2002 constitute all of the heirs of Yahya Haghiri. Applicant has thus satisfied this element. Counsel has also stated that, "Under German law a legal representative of the deceased's estate is not required to be appointed." This statement is being interpreted to mean that a legal representative will not be appointed in the present case. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

In addition, the declaration details the residence, post office address and country of citizenship of Yahya HAGHIRI-TEHRANI as well as that of his heirs Touba HAGHIRI-TEHRANI and Sina HAGHIRI-TEHRANI. As such, it is proper to grant applicant's renewed petition at this time.

### CONCLUSION

Applicant's petition under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 04 May 2000 and a date of **21 October 2002** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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